

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED IN OPEN COURT

DATE: 11-16-18

TIME: 4:15 pm.

INITIALS: R. J.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRED MCCAISTER JR,

Defendant.

Criminal No. Cr. No. 17-20151

PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States of America, by its attorneys, D. Michael Dunavant, United States Attorney for the Western District of Tennessee, and Kevin P. Whitmore and Mark A. Erskine, Assistant United States Attorneys, and the defendant, FRED MCCAISTER JR (herein MCCAISTER JR), and his attorneys, Handel R. Durham Jr. and Jonathan T. Mosley, hereby agree to the following:

1. Mr. MCCAISTER JR will enter a plea of guilty to Counts One and Nine of the Indictment charging conspiracy to possess with the intent to distribute marijuana, in violation of Title 21, United States Code, Section 846 and money laundering, in violation of Title 18, United States Code, Section 1956(h). Pursuant to Mr. MCCAISTER JR's guilty plea, the United States will dismiss all remaining counts at the time of sentencing.

2. The parties agree that the relevant conduct as relates to Mr. MCCAISTER JR's involvement in the marijuana conspiracy is less than 100 kilograms. As to the specific allegations in the indictment, the Government believes the less than 100 kilograms of marijuana is readily provable.

F. M.

3. Mr. MCCASTER JR agrees that he is pleading guilty because he is in fact guilty of the offenses charged in the Indictment. Mr. MCCASTER JR understands the elements of the offenses and knowing the burden of proof, Mr. MCCASTER JR hereby agrees that the government would have been able to meet its burden of proof to the counts that he is pleading guilty.

4. Mr. MCCASTER JR acknowledges that the Government will recommend that he receive the full reduction for acceptance of responsibility under U.S. Sentencing Guidelines § 3E1.1. However, Mr. MCCASTER JR understands that whether or not acceptance of responsibility is granted is a matter to be determined by the court, and failure of the court to grant acceptance of responsibility is not a basis for the defendant to withdraw his guilty plea or to appeal his sentence. Additionally, the parties agree that a sentence within the guidelines is appropriate.

5. Mr. MCCASTER JR acknowledges that he has been advised and does fully understand the nature of the charges to which the plea is offered and the maximum possible penalties provided by law.

6. Mr. MCCASTER JR acknowledges that he has been advised and does fully understand that by pleading guilty, he is giving up the right to trial by jury and the rights associated with a trial by jury.

7. Mr. MCCASTER JR acknowledges that he has been advised and does fully understand that by pleading guilty, he gives up the right to appeal the conviction. Based on concessions made in this plea agreement by the United States, Mr. MCCASTER JR also hereby waives his rights to appeal his sentence, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure from the guideline

range that the court establishes at sentencing. The waiver in this paragraph does not apply to claims relating to prosecutorial misconduct or ineffective assistance of counsel.

8. Mr. MCCAISTER JR agrees to pay the mandatory special assessment of \$100 per each count before sentencing.

9. Mr. MCCAISTER JR has discussed the terms of the foregoing plea agreement with his attorneys and is satisfied with his advice and counsel.

10. Being aware of all the possible consequences of his plea, Mr. MCCAISTER JR has independently decided to enter his plea of guilty on his own free will, and affirms this agreement on the date and by his signature below.

D. MICHAEL DUNAVANT
United States Attorney



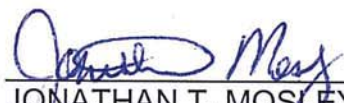
KEVIN P. WHITMORE/MARK A. ERSKINE
Assistant United States Attorney

11/16/18
Date



HANDEL R. DURHAM JR.
Attorney for defendant

11-16-18
Date



JONATHAN T. MOSLEY
Attorney for defendant

11-16-18
Date



FRED MCCAISTER JR.
Defendant

11/16/18
Date